

To: Fish, Tonya[Fish.Tonya@epa.gov]
From: Amy Steinmetz
Sent: Fri 4/28/2017 11:00:00 PM
Subject: Supplemental Materials Pertaining to Nutrient Standard Variances Rulemaking

A notice of the proposed amendments to Department of Environmental Quality (the Department) ruleARM 17.30.660 was provided on 4/14/2017. The proposed amendments are necessary to adopt by reference several proposed changes to Department Circular DEQ-12B (DEQ-12B). Since 4/14/2017, some additional materials have been prepared which further inform the rulemaking process.

DEQ-12B was originally adopted in August 2014, and that same year the Department also released an implementation guidance document. The guidance, "*Base Numeric Nutrient Standards Implementation Guidance Version 1.0*" (July 2014), provided more detail on how nutrient standards and variances were to be implemented. As part of this triennial review, the Department has updated the document (now version 2.0, June 2017) to reflect changes in the way the Department is proposing to carry out the triennial review.

The major changes to the guidance document are found in Section 2.0. In the 2014 version, the Department projected a timeline and series of anticipated treatment requirements for each of the three general variance discharger groups (≥ 1 MGD, <1 MGD, lagoons). The projections reflected the Department's best understanding of how the general variance would proceed over time, absent any major technological breakthroughs in reducing nutrients in effluent. But changes to the federal variance regulations in 2015 (discussed in our original *interested parties* memo) changed the manner and trajectory of the general variances. To reflect the proposed rules and DEQ-12B, the updated guidance no longer contains the discharger group projections, but instead documents the process by which the highest attainable condition is to be determined, at each triennial review, for each group.

Other modifications to the guidance include additional guidance on individual variances, updates to now-adopted ARMs (to make the document current), and editorial and formatting changes.

The other document the Department has prepared is an economic analysis supplementing Section 3.0 of the technical report "*First Triennial Review of Base Numeric Nutrient Standards and Variances*" (April 2017). The supplemental economic analysis focuses on the costs to meet base numeric nutrient standards for communities and companies which are likely to need a variance in the next few years. This supplemental analysis is more specific than the analysis in Section 3.0 of the technical report, which examines a broader set of communities the Department has been tracking and examining since 2011.

Electronic copies of the proposed changes to the Base Numeric Nutrient Standards Guidance Document and the supplemental economic analysis may be obtained at: <http://deq.mt.gov/Water/WQINFO/nutrientworkgroup> . Copies may also be obtained by calling Myla Kelly at (406) 444-3639 or emailing at mkelly2@mt.gov .

A public hearing to consider the proposed rule amendments will be held May 31, 2017 at 9:00 a.m. in room 111 of the Metcalf Building at 1520 E Sixth Avenue, Helena, MT. The Department will make reasonable accommodations for individuals with disabilities who wish to participate in the hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Department no later than 5:00 p.m. May 24, 2017, to advise us of the nature of the accommodation that you need. Please contact Denise Hartman at Department of Environmental Quality, PO Box 200901, Helena, Montana 59620-0901; phone 406-444-2630; fax 406-444-4386 or email at dhartman2@mt.gov.

Written data, views, or arguments regarding the proposed rule amendments, changes to DEQ-12B, or the supplemental documents provided per this notice may be submitted to Denise Hartman, Department of Environmental Quality, 1520 E Sixth Ave, PO Box 200901, Helena, Montana 59620-0901; 406-444-2630; fax 406-444-4386 or email at dhartman2@mt.gov no later than May 31, 2017 at 5:00 p.m. To be guaranteed consideration, mailed comments must be postmarked on or before this date.

You are receiving this email because you have signed up for an interested parties listserv. If you wish to be removed from the listserv, please reply to this email with your request.

Sincerely,

Amy Steinmetz

Water Quality Standards Specialist

MT DEQ

406-444-0371